


AUG 25 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

ROBERT LEWIS CAIN,
Petitioner,

v.

WARDEN TRACY RAY,
Respondent.

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Civil Action No. 7:10cv00144

FINAL ORDER

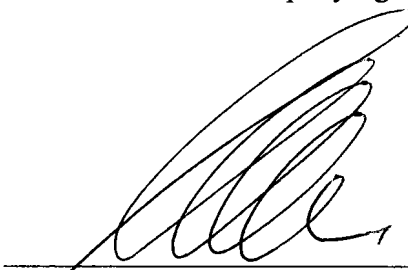
By: Samuel G. Wilson
United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that respondent's motion to dismiss (Docket No. 14) is **GRANTED**; Cain's motion for summary judgment (Docket No. 21) is **DENIED**; the above referenced 28 U.S.C. § 2254 petition is **DISMISSED**; Cain's motion to call a witness (Docket No. 19) is **DENIED**; and this action is **STRICKEN** from the active docket of the court.

Further, finding that Cain has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 25th day of August, 2010.



United States District Judge